

REMARKS/ARGUMENTS

Favorable reconsideration of this application is respectfully requested.

Claims 6-26 are pending in this application. Claim 6 is amended and claims 18-26 are added by the present response. Claims 16 and 17 are allowed. Claims 7-15 were objected to as dependent upon a rejected base claim, but were noted as allowable if rewritten in independent form to include all of the limitations of their base claims and any intervening claims. Claim 6 was rejected under 35 U.S.C. § 103(a) as unpatentable over WO 98/54538 to Mangolds in view of U.S. patent 4,154,012 to Miller.

Initially, applicants gratefully acknowledge the indication of the allowance of claims 16 and 17 and of the allowable subject matter in claims 7-15. With respect to that indication of allowable subject matter, new claims 18-26 are submitted herein that correspond to previously pending claims 7-15 with each of new claims 18 and 19 presented as independent claims, and new claims 20-26 as dependent claims depending therefrom. Thus, new claims 18-26 correspond to the allowable subject matter noted in previously pending claims 7-15 rewritten in independent form. Thus, new claims 18-26 are believed to clearly set forth allowable subject matter.

Addressing now the rejection of claim 6 under 35 U.S.C. § 103(a) as unpatentable over Mangolds and Miller, that rejection is traversed by the present response.

Claim 6 is amended by the present response to clarify a feature therein. Specifically, claim 6 now clarifies that the cloth shot bags are connected to each other “such that the plurality of cloth shot bags are configured to strike a target when a non-killing cartridge is fired”. According to the non-killing cartridge set forth in claim 6, the cloth shot bags are intended to strike a target. That subject matter is believed to be clear from the original

specification, see specifically as a non-limiting example page 3, lines 21-27. The above-noted features are believed to clarify a difference between claim 6 and the applied art.

The outstanding Office Action cites the teachings in Mangolds as disclosing a non-killing cartridge in which cloth bean bags can be provided. However, it is noted that Mangolds is directed to a different type of device than as set forth in claim 6 as currently written. In Mangolds the cloth bean bags are merely provided as weights for a net, and the cloth bean bags are not designed to strike a target. That is, Mangolds is directed to a non-killing cartridge in which a net 34 is provided in a cartridge and weights 18, 20, 22, etc. are provided for the net. Thus, in Mangolds it is the net that is designed to strike a target when the cartridge is fired and the weights are merely provided to allow proper trajectory of the net.

In contrast to Mangolds, in claim 6 as currently written, the cloth shot bags are connected to each other such that those cloth shot bags themselves are configured to strike a target, again in contrast to Mangolds in which it is the net that is designed to strike the target.

Further, even in view of the teachings in Miller of substituting shots for the weights in Mangolds, Mangolds would not teach the above-noted claim feature.

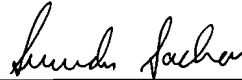
In such ways, amended independent claim 6, and the claims dependent therefrom, are believed to distinguish over Mangolds in view of Miller.

Application No. 09/672,898
Reply to Office Action of August 22, 2003.

As no other issues are pending in this application, it is respectfully submitted that the present application is now in condition for allowance, and it is hereby respectfully requested that this case be passed to issue.

Respectfully submitted,

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